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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,772	11/08/2000	Stephen Christopher Gladwin	11748/9	3933

7590 03/22/2007
John S Paniaguas
525 West Monroe Street Suite 1600
Chicago, IL 60661-3693

EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/709,772

Applicant(s)

GLADWIN ET AL.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 25, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janik (US 2005/0113946 A9) in view of Margulis (US 6,263,503 B1) for the same reasons given in the last Office action and repeated below.

Regarding claims 1, 7, Janik discloses a system (Figure 1) for enabling digital audio data files to be played on a remote conventional audio device (stereo receiver 44), the system comprising:

a host PC (personal computer 34) configured to be connected to the Internet (Internet 8), said host PC configured to store digital data files and receive streaming digital files (PC 34 acquires, stores, and manages digital audio content, including digital audio files and digital audio streams from Internet 8 servers; page 3, para. 47);

a playback system including a base station (digital audio converter 32 is operatively coupled to PC 34 via access point 28) configured to receive said digital files from host PC and convert said digital data files to a predetermined format compatible with one or more conventional playback devices (digital audio converter 32 receives digital audio streams sent from the PC 34, decodes and de-compresses the digital audio in real time, converts it from a digital format into analog electrical signals compatible with a conventional stereo system 40; page 4, para. 50).

Janik differs from claims 1-3 and 7 in that it does not specify a receiver for re-broadcasting said audio files to the stereo system. However, Margulis teaches the desirability of using a repeater (RF repeater 414) to rebroadcast audio, received from a base station, to a conventional playback device so that audio signals can be reproduced in a separate room while maintaining transmission quality (col. 6, lines 38-56). It would have been obvious to an artisan of ordinary skill at the time of invention to incorporate a repeater, as taught by Margulis, within the system of Janik in order to achieve the same benefit, that is, rebroadcast audio signals transmitted by the base station

(digital audio converter 32) to a stereo system located in a different room while maintaining transmission quality.

Regarding claims 2-3, in Janik, stereo system 40 includes a conventional stereo receiver 44 (page 3, para. 46), and digital audio converter 32 provides local FM broadcast radio (page 4, para. 58).

Regarding claim 8, Janik shows a remote control device 52, remote from playback device 40 (Figure 1).

Response to Arguments

4. Applicant's arguments filed January 25, 2007 have been fully considered but they are not persuasive. Applicant again argues that "Janik is not prior art within the meaning of 35 USC 102" and that "the pending claims are supported by the parent application as well as the provisional application." The examiner disagrees. Independent claim 1 recites "a playback system including a base station" and "said base station including a receiver for receiving said digital data files in said predetermined format and transmitting said digital data files to said one or more conventional playback devices." Applicant states that the PC Adapter 24 in the parent application is the "base station." However, in the disclosure of the present application, base station 200 transmits analog audio signals to a repeater 240 for subsequent connection to a conventional playback device (Figure 1) whereas in the parent application, PC Adapter 24 transmits the audio files directly to the conventional playback device (Figure 1).

Therefore, the use of the term "base station" in claim 1 as transmitting the

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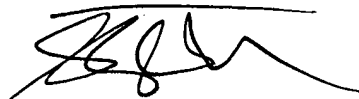
digital data files to a conventional playback device would conflict with the use of the term "base station" in the present disclosure as being a device which transmits signals to a repeater 240. Since the pending claims have an effective filing date of November 8, 2000, which is after the effective filing date of the Janik publication, Janik qualifies as prior art under 35 USC 102(e).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (571) 272-7512. The examiner can normally be reached on Monday-Friday, 8:00 a.m. to 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Stella L. Woo
Primary Examiner
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